

AMENDMENTS TO THE DRAWINGS

Please find attached a replacement Figure 17 marked "Prior Art." No new matter has been added by amending Figure 17.

REMARKS

Claims 1-3 and 5-8 are pending. By this Amendment, Figure 17 is amended, claims 6-7 are canceled, claim 1 is amended, and claims 4 and 9-16 having been previously withdrawn from consideration pursuant to a restriction requirement.

Claim 1 is amended to include the limitations of now canceled claims 6-7 and to recite a pair of seat raising/lowering arms, a pair of ascent/descent guide members, that each seat raising/lowering arm comprises two plates that are arranged at a predetermined interval and a connecting member that interconnects opposing end portions of the two plates, that the roller is disposed between the two plates, and that the seat raising/lowering arms and the ascent/descent guide members are respectively positioned on both sides of the slide base.

No new matter has been added by the foregoing amendments.

In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejection are respectfully requested.

Restriction Requirement

Applicants confirm election of Group I, claims 1-3 and 5-8 without traverse, but reserve the right to rejoin withdrawn claims depending from claim 1 upon obtaining indication of allowance of claim 1.

Drawings

The Office Action required that Figure 17 be designated as prior art and that a corrected Figure 17 be submitted. An amended Figure 17 reciting "Prior Art" is enclosed with this Amendment.

35 U.S.C. § 112

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite, the rejection asserting that claim 1 "states 'an ascent/descent guide member ... ' The term 'it' is confusing as to which of either the ascent/descent guide member or the raising/lowering arm is being vertically rotated." Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this application, claim 1 is amended as described above. Applicant respectfully submits that claim 1, as amended, is not indefinite. The remaining claims, depending directly or indirectly from claim 1, were not addressed by the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, Applicant submits that the other rejected claims are not indefinite as well. For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

35 U.S.C. § 102

Claims 1-3 and 6 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 5,769,480 ("Gebhardt").

Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, claim 1 is amended as described above and claim 6 is canceled. In order to establish a prima facie case of anticipation, every limitation in the claim asserted to be

anticipated must be disclosed in the single document cited against the claim.¹ Applicant submits that Gebhardt fails to disclose or suggest 1) an apparatus including a pair of seat/raising/lowering arms and a pair of corresponding ascent/descent guide members, which are respectively mounted on both sides of the slide base, 2) each of the seat raising/lowering arms comprises two plates; and 3) the supported portion or roller is disposed between the two plates. Regarding claim 1, each of the seat raising/lowering arms comprises two plates and the seat raising/lowering arms may thereby have an increased strength. Therefore, the height of the seat raising/lowering arms can be reduced while nonetheless insuring sufficient strength for the seat raising/lowering arms to better function. Additionally, the seat raising/lowering arms may have increased rigidity with respect to a plate thickness direction. Moreover, because the roller is disposed between the two plates, the roller may have enhanced stability because both ends of the roller are supported by the plates. As a result, the slide base can be prevented from rolling when the slide base is moved.

Because Gebhardt neither discloses nor suggests the limitations now present in claim 1, Applicant respectfully submits that claim 1 is not anticipated by Gebhardt. The other rejected claims depend directly or indirectly from claim 1 or are canceled. Accordingly, Applicant respectfully submits that the other rejected claims are not anticipated by Gebhardt as well and respectfully requests reconsideration and withdrawal of the rejection.

¹ See M.P.E.P. § 2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).").

35 U.S.C. § 103

Claims 5 and 7 are rejected under 35 U.S.C. § 103(a) as obvious over U.S. 5,769,480 ("Gebhardt").

In order to establish a prima facie case of obviousness, a rejection must cite documents which teach or suggest all the claim limitations.² As shown above, Gebhardt neither discloses nor suggests all the limitations now recited in claim 1. Claim 5 depends from claim 1 and claim 7 is canceled. Therefore, Applicant respectfully submits that claim 5 is not obvious over Gebhardt and requests reconsideration and withdrawal of the rejection.

Claim 8 is rejected under 35 U.S.C. § 103(a) as obvious over U.S. 5,769,480 ("Gebhardt"), in view of U.S. 5,524,952 ("Czech et al."). Applicant respectfully traverses this rejection. As shown above, claim 1 recites limitations which are neither disclosed or suggested by Gebhardt. Additionally, Czech et al. also fails to disclose or suggest the limitations of claim 1 not disclosed or suggested by Gebhardt. Claim 8 depends from claim 1. Therefore, Applicant submits that claim 8 is not obvious over Gebhardt in view of Czech et al. and respectfully requests reconsideration and withdrawal of the rejection.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

² See M.P.E.P. 2143 ("To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.").

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wm. Larry Alexander". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Wm. Larry Alexander, Ph.D.

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